

# Know Your Rights – Cannabis PRIMER

Many provisions in Sonoma County’s Cannabis Ordinance, **which goes into effect July 2026**, do NOT comply with State Law, Department of Cannabis Control (DCC) Regulations, Licensing or required environmental reviews (CEQA).

Conflicts with adjacent property owners (established residences, agricultural operations or tasting rooms), are likely to escalate under the July 2026 Sonoma County (SoCo) Cannabis Ordinance as it allows larger and more impactful cannabis operations and proposed event facilities on smaller parcels.

**State Law takes Precedence over Local Ordinances.** A cannabis operator in your neighborhood requires one or more DCC Licenses ([DCC License Types](#)) in addition to land use permit(s) from Sonoma County. **Don’t be misled, projects awarded a SoCo Ministerial Permit, including “crop swaps,” still require environmental review, and mitigation, under the DCC regulations.**

**New Larger Operations with Perpetual Rights:** SoCo raises the canopy limit from a 1-acre cap to a 10% of parcel allowance, while lowering the minimum parcel size for cultivation from 10 acres to 5 acres. The SoCo Ordinance allows processing, manufacturing, labeling and distribution on AG and RRD zoned lands.

**Neighboring property owners should request a public hearing (not a Zoning Administrator approval or ministerial permit.) And request complete project definition and parcel-specific studies,** as the project on a small parcel may not be able to meet odor or noise attenuation setback requirements.

The SoCo Cannabis Ordinance also conflicts with DCC License renewal requirements as the SoCo Ordinance proposes Use Permits that “run with the land,” in perpetuity. **It’s important to intervene as early in the process as possible, and to cite State law with required studies with mitigations – preferably via DCC licensing review or in the SoCo project permitting process.**

## **4 ISSUES: Sonoma County’s Updated Cannabis Ordinance has 4 Significant Areas of Non-Compliance with State Law:**

Do not rely solely on information provided by the cannabis operator/ applicant for a cannabis permit, or Permit Sonoma planners/ enforcement personnel, when they cite provisions of the July 2026 Cannabis Ordinance that allege the County awarded new rights. Some of these “awarded rights” may not comply with State law and DCC Licenses as well as permits and approvals by state agencies are also required.

**Regardless of the what the SoCo Ordinance alleges, property owners with established property rights can sue under State Nuisance and Right to Farm laws.**

- 1. Redefining cannabis as “controlled agriculture:** SoCo Ordinance alleges that inclusion of the cannabis product in the SoCo Right to Farm Ordinance, will help to shield cannabis

operators from certain complaints and regulatory redundancies. **Cannabis operations are not shielded under State Right to Farm law.**

**State nuisance statutes for Ag operations are based on documenting the facts, “who and what type of activity was there first.”** SoCo’s Ordinance proposes to award ministerial permits or Use Permits granting cannabis projects the right to start a new cannabis operation or processing business next to existing residential properties or winery tasting rooms on Agricultural (Ag Zones: LEA, LIA, DA) and Rural and Resource Development (RRD) zoned lands. Permits may also be given for projects with industrial or commercial zoning.

If the sensitive land uses (residential units and tasting rooms) were there first –the new cannabis operations can be held accountable, via lawsuit, for generating nuisances such as noise and/or odor that impact the full use of one’s property or disrupt the winetasting experience.

- 2. Establishing new, more impactful, commercial and industrial uses on Ag and RRD Zoned lands with inadequate setbacks to meet odor or noise attenuation standards.** Revised setbacks include a 1,000-ft buffer from residentially zoned property boundaries (RR, etc.) and incorporated city limits, yet only a 500-ft setback from neighboring residences and non-grazing agricultural operations, such as vegetable farms. The setback is only 500-ft from a residence or tasting room, not from the property line on Ag Zoned land. Note that existing (pre-2026) permitted cannabis projects retain their 300-foot setback.

**The SoCo Cannabis Ordinance has very limited wildfire/earthquake evacuation provisions or measures to protect against crime in rural areas and thereby does not protect public safety.** The SoCo Ordinance does not fully define all the additional permits and regulations requiring cannabis operator compliance.

- 3. Expanding cannabis tourism opportunities that do not specify the required permits and licensed security personnel as required by State regulations.** SoCo allows two sizes of permitted cannabis events and establishes a defined pathway for cannabis-related tourism activities. And both require application processes and permits with the State as well as the County.

The 2026 Cannabis Ordinance has language that appears to promise operators rights to promotional activities and cannabis sales that deviate significantly from the State DCC licensing requirements. For example: Alleging rights to direct to consumer sales at Ag Promotional Events or a Periodic Event Permit allowing consumption of cannabis at weddings, rodeos, etc. Certain Zoning Code provisions remove the prohibition of cannabis consumption and sales at events and then **Section XIII clarifies that the SoCo Cannabis Ordinance does not authorize cannabis consumption until certain conditions**

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are met – i.e. updates to Health and Safety regulations.

**These provisions are irresponsible, especially given the 2026 Ordinance is internally inconsistent, DCC security measures are required, and are reliant on an update of the County’s Health and Safety regulations. (End Note 1)**

- 4. **Creating a “crop swap” ministerial approval pathway** that allows farmers to replace previous row crops with cannabis, provided the cultivation does not increase the requirements for water/other resources or require new infrastructure (roads, buildings). Neighbors on wells should note that outdoor cannabis cultivation uses about six times more water/ acre than vineyards.

**Always ask to see the Cannabis operator’s DCC licenses requirements in addition to SoCo permits and intervene early in the permitting process.**

**Check the Links to State law and SoCo Code and General Plan revisions for updates.**

| <b>State Law Defined (Check LINKS for updates)</b>   | <b>Sonoma County Ordinance Alleged Rights</b>  |
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| <p><b>Issue 1: Definition Cannabis (non-hemp):</b> commercial classification of marijuana and other high-THC cannabis — under California law is handled primarily in the <b>Business and Professions Code (BPC), not the Agriculture Code, which deals with Hemp and pesticide use reporting.</b></p> <p><a href="#">California Business and Professions Code § 26001 Definitions</a> and <a href="#">§ 26100-Required Testing before Sale</a></p> <p>All cannabis goods made available for sale shall comply with all track and trace requirements in compliance with 4 CA Code Regulations §15602.</p> | <p>Updating the Ag Resource Element of SoCo’s General Plan to “deem” cannabis cultivation as “controlled” agriculture – is contrary to both Federal and State classifications.</p> <p><b>21 U.S.C. § 802(16) <a href="#">Controlled Substances Act definition:</a></b> “All parts of the plant <i>Cannabis</i> ... whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant...,” <b>with limited exceptions</b> (e.g., only the mature stalks, fiber, oil, and sterilized seeds are excluded).</p> <p>Currently, at the Federal level, <i>cannabis</i> and its manufactured derivatives and preparations is a <b>Schedule I controlled substance</b> making its manufacture, distribution, and possession generally illegal under federal law.</p> |

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| <p><b>California Nuisance Law</b> <a href="#">California Code, Civil Code - CIV § 3479</a></p> <p><b>A simple nuisance, as defined in California Civil Code Section 3479, provides a single property owner with the legal power to sue a neighbor for creating and maintaining a new nuisance.</b></p> <p><b>“California nuisance code protections include anything offensive to the senses or that interferes with comfortable enjoyment of life or property. Anything which is injurious to health, including, but not limited to, the illegal sale of controlled substances, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner...of any public park, square, street, or highway, is a nuisance.”</b></p> | <p>Using the “controlled agriculture” definition as a rationale for including cannabis cultivation in SoCo’s Right to Farm Ordinance misleads property owners: Real estate disclosures may indicate agriculture allowed – <b>and alleges cannabis</b> - is exempt from nuisance law – The State does not deem cannabis as agriculture.</p> <p>On Oct 28, 2025, County Counsel conceded that the ordinance “...will not impact what qualifies as agriculture under the state and that <b>nuisance lawsuits will be through the state Nuisance and Right to Farm laws.</b>” (Endnote 2)</p> <p><b>Thus, property owners still have a right to sue under State Nuisance and Right to Farm laws.</b></p> <p><b>The State law requires licenses</b> for cultivation, manufacture, distribution, and sale of cannabis products along with other controlled substances.</p> |
| <p><b>California Right to Farm (RTF) Law:</b></p> <p><a href="#">California Civil Code § 3482.5, The Right To Farm Act</a> does not include cannabis because it is not classified as an agricultural crop.</p>  | <p>Applying the <a href="#">SoCo Right to Farm ordinance</a> to cannabis is prohibited both under Federal and State laws, as well as in Sonoma’s local ordinances. <b>SoCo Ordinance Sections §§ 30-22 and 30-25 require compliance with all Federal and State laws.</b></p> <p><b>Again,</b> if timely action is not taken under State RTF law, SoCo’s Cannabis Ordinance could expose grape growers to new legal risks (spray-drift liability between vineyards and cannabis operations), undermining our county’s long-standing Right to Farm protections.</p>  |

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| <p><a href="#">California Code, Health and Safety Code - HSC § 41705</a> (emphasis added)</p> <p><b>The exclusion in § 41705 do not apply to cannabis, as cannabis is not included as an agricultural crop by the State.</b></p> <p><b>Exclusion:</b> <i>Section 41700 shall not apply to odors emanating from agricultural operations necessary for the <b>growing of crops</b> or the raising of fowl or animals.</i></p> <p>SoCo’s proposed accessory uses include additional chemicals, fire ignition sources, crime targets and impaired road safety from events, visitor serving uses and “retail sales.”</p> <p><b>California Health and Safety Code § 41700 protects against anyone discharging air emissions that that cause injury, detriment, nuisance or annoyance</b> (a) <i>Except as otherwise provided in <a href="#">Section 41705</a> [ exclusion for defined agricultural crops]</i></p> <p><i>“...a person shall not discharge from any source whatsoever quantities of air contaminants or other material that cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or that endanger the comfort, repose, health, or safety of any of those persons or the public, or that cause, or have a natural tendency to cause, injury or damage to business or property.”</i></p> | <p>The core nuisances caused by cannabis operations are odors (terpenes with detrimental health effects), noise, as well as increased risk of fire and crime in areas with limited public safety services.</p> <p><b>These health and safety impacts are increased by the 2026 Ordinance Finding Exhibit 3-C which expands the commercial and industrial activities allowed on Ag zoned land:</b> <i>“Providing opportunities for cannabis cultivation sites to vertically integrate and incorporate accessory uses like <b>processing, propagation, research and development, manufacturing, and packaging, labeling and [distribution through retail sales]</b> is ... critical for the viability of the industry...”</i></p> <p>Inadequate attenuation setback requirements are compounded by</p> <ul style="list-style-type: none"> <li>a) lowering the minimum parcel size to 5-acres;</li> <li>b) allowing new activities like cannabis events 104 days per year and retail sales at cultivation sites; and</li> <li>c) expanding into manufacturing and commercial activities, introducing new health and public safety risks.</li> </ul> <p>These provisions will increase conflicts due to noxious and unhealthy odors, noise and significant new public safety risks to properties and businesses, (i.e. especially tasting rooms on Ag zoned land) in areas without adequate police or fire protection resources.</p> |

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| <p><b>Issue 2: New Development with more Impactful Uses:</b> New commercial developments on Ag and RRD zoned lands, especially when open to the public, must meet the State Fire Safe Regulations and Water Quality Control Board Order.</p> <p>Updated in April, 2023, the <a href="#">State Minimum Fire Safe Regulations</a> apply to the State Responsibility Area (SRA), where CalFire responds to fires, and the Local Responsibility Area (LRA), "Very High" and "High" hazard severity zones, where local fire departments provide fire response.</p> <p><b>Three criteria guide the intent of the State Minimum Fire Safe Regulation standards.</b></p> <ol style="list-style-type: none"> <li>1) unimpeded access by large firefighting apparatus;</li> <li>2) concurrent evacuation of residents and workers; and</li> <li>3) unobstructed traffic circulation during ongoing wildfire emergencies</li> </ol> <p>Under the State Minimum Firesafe Regulations, <b>the following minimum access standards apply to all private or public roads and road infrastructure serving new development. At least two evacuation routes on roads meeting the above standards.</b></p> <ul style="list-style-type: none"> <li>- <b>Roadways at least 20 feet wide</b></li> <li>- <b>Maximum dead-end road lengths</b> based on the smallest parcel size served: 1 mile if <b>all</b> parcels 20+ acres; to 800 feet if smallest parcel &lt;1 acre</li> <li>- <b>Bridge load limits</b> of 40,000 pounds</li> <li>- <b>Road grade limitations</b> (up to 16%, or not to exceed 20% with adequate mitigation)</li> </ul> | <p>Commercialization of Ag and RRD zoned lands: A Use Permit for Processing, Manufacturing, Packaging, and Events will need to meet State DCC Licensed Security personnel and other requirements, and additional <b>required road, water, wastewater treatment and security requirements.</b></p> <p><a href="#">State Water Quality Control Board General Order and Reporting Portal</a> – Water Quality and Discharge regulations: “Compliance with the Cannabis Policy is required to obtain a license from the State Department of Cannabis Control (DCC)”.</p> |

| State Law Defined with <a href="#">LINKS</a>   | Sonoma County Ordinance Alleged Rights   |
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| <p><b>Issue 3: Tourism Activities and Events</b></p> <p>State <a href="#">Temporary cannabis events</a>: Defined as events where Licensed Retailers can sell and attendees can consume cannabis. Each event must have two DCC licenses and be hosted by Licensed Cannabis Event Organizers.</p> <p style="color: red;">DCC January 2026 amendments propose Events from single day to four events with 30 consecutive days. The justification for the change was a permit for the State Fair and clearly stated that no DCC permit would be issued for over 30 days.</p> <p><b>Two licenses for Host:</b> Cannabis Event Organizer License and a separate license for each temporary cannabis event. Individual event license Applications to be submitted to the DCC no less than 60 calendar days before the first day of the event) (<a href="#">See DCC FAQ Link</a>)</p> | <p><b>Historic Large Scale Cannabis Events at County Fairgrounds (i.e. Emerald Cup)</b><br/>SoCo Cannabis Events and Award Ceremonies were licensed by the State, which <b>historically have been limited a county fair, district ag association or similar venue where security can be provided.</b> The 2026 Cannabis Ordinance assumes such large-scale events will continue with no attendance limit.</p> <p style="color: red;">NOTE: State sales and consumption daily limits apply at each event for a person over 21 years: Customers cannot purchase more than the applicable adult-use amounts.</p> <p>For adult-use daily limits are:</p> <ul style="list-style-type: none"> <li>• 28.5 grams of non-concentrated cannabis</li> <li>• 8 grams of cannabis concentrates</li> </ul> |
| <p><b>DCC Regulations:</b> Definition: <i>“Any gathering with sales and/or consumption of cannabis products is an EVENT.”</i> Events require two DCC Licenses (Event Coordinator and Temporary Permit for each event.)</p> <p>Licensed Retailers follow DCC point of sale and Licensed security requirements: Site plan must designate separate consumption areas – <b>no alcohol or tobacco sales at same location in the site plan.</b></p> <p>Cannabis Event Licensee must hire or contract for security personnel/ security services at the licensed temporary cannabis event. Security personnel must be at least 21 years of age, <b>licensed by the Bureau of Security and Investigative Services.</b></p>  | <p><b>Periodic Special Events</b> are amended to include cannabis events under Zoning Code Section 26, Article 22. The proposed changes to the Sonoma County Code would <b>eliminate the prohibition of cannabis use and sales at periodic events</b> under current Code Section 26-22-120.</p> <p><b>Periodic Special Events via Ministerial Zoning Permit limit the number of events: No more than 4 events in a 2-year period.</b> Operation of periodic special events, including those associated with the cannabis industry, are expected to <b>continue to be held outdoors in undeveloped areas or at existing developed sites.</b> Examples given were weddings or rodeos.</p>  |

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| <p><b>SoCo’s 2026 Cannabis Ordinance’s alleged rights for “Ag Promotional Activities” do not meet DCC Regulations which define any gathering with sales and/or consumption of cannabis products as an Event.</b></p> <p><a href="#">State Temporary Event Requirements FAQ</a><br/>Only licensed retailers or microbusinesses can sell cannabis products in specified and designated locations.</p> <p><a href="#">State Regulations: Cannabis Events: § 15601 (h). Temporary Cannabis Event Security Requirements.</a> <i>“The licensed cannabis event organizer shall hire or contract for security personnel to provide security services at the licensed temporary cannabis event.”</i></p> <p><a href="#">Sales Requirements: § 15602.</a> <i>Temporary Cannabis Event Sales. (b) All sales of cannabis goods in a retail area. (c) Each sale by a licensed retailer... (g) transported by a licensed distributor. (h) stored in a secure container. (j) comply with all track and trace requirements</i></p> | <p><b>Agricultural Promotional Activities – Cannabis Events added to Zoning Code Section 26, Article 18.</b></p> <p><b>In addition to large scale events and Periodic Special Events, outlined above, the 2026 Cannabis Ordinance proposes “Ag Promotional” events. These proposed changes to the Zoning Code are the most egregious violations – setting an enforcement loophole that deems small 25-50 person gatherings are merely “visitor serving uses” similar to a winery tasting room Use Permit, despite the fact that they include cannabis tasting and consumption, which does not comply with DCC Regulations.</b></p> <p>2026 Ordinance Finding D: <b>Cannabis Events via Use Permit:</b> “Allowing agricultural promotional opportunities and direct to consumer sales is important to the success and viability of cannabis...”</p> <p><b>County Ordinance appears to allow the operator to apply one time and receive a permanent permit allowing up to 104 event days per year.</b> This is in conflict with state law, which requires an operator to apply for a new permit for EACH gathering with sales or consumption of cannabis products.</p> <p>County Ordinance allows for these cannabis events on any Ag/RRD zoned parcels. This is contrary to intention of state law which intends for these events to be a recognized established event centers, where separate, secured locations for tasting and consumption, are staffed by security personnel.</p> |

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| <p><b>State CEQA Mandatory Findings of Significance:</b> <i>“Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?”</i></p> <p><b>Standard:</b> <i>“The Project will not be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood, not be detrimental or injurious to property and improvements in the neighborhood, or the general welfare of the area.”</i></p> <p><b>Note:</b> <b>Land use setbacks are for noise-generating properties: The objective is for operators to mitigate the noise impact on their (Applicant/Operator) parcel. Thus, noise attenuation setbacks are to be measured to the exterior property line of any adjacent noise sensitive land use – i.e. residence or accessory dwelling unit.</b></p> | <p><b>The Soco 2026 Cannabis Ordinance does indicate that Noise Studies may be required.</b></p> <p><b>Event Related Noise can only be attenuated to meet noise standards on very large parcels – exceeding these limits is detrimental to health (sleep), and the peaceful enjoyment of one’s property</b></p> <p><b>Table 18.2 of the Winery Event Ordinance</b> defines noise attenuation distances for events with 50 -100 people. These same guidelines could be used to request noise monitoring and mitigation at an outdoor cannabis event site:</p> <ul style="list-style-type: none"> <li>a) crowd chatter or acoustical must have an attenuation setback of <b>625 feet from the property line</b></li> <li>b) <b>Parking lots require 450 feet for noise attenuation, and</b></li> <li>c) <b>Amplified Speech (for awards) or Amplified Music require an Attenuation distance of 1,600 feet or more, depending on topography and current low ambient noise levels.</b></li> </ul> |

**End Notes:**

1. **Section XIII. Cannabis Consumption.** *No cannabis consumption associated with cannabis visitor serving uses, or periodic special events is authorized by this ordinance unless and until it is expressly allowed by Chapter 14 and conforms with Chapter 32 of the Sonoma County Code.* (Note: In early 2026, Permit Sonoma & Health Department started this work.)
2. **October 28, 2025, hearing, Minutes 8:15-16.** County Counsel Kuteira: *“To clarify, the local Right to Farm Ordinance one of the primary purposes is disclosure. Our local Right to Farm Ordinance requires disclosure for real estate transactions in ag land and within 300 feet of ag land as well as disclosures for discretionary development applications.*

*Those disclosures have to be recorded on the parcel. So, the idea being if you live within 300*

*feet or if you live within ag land or if you're developing, you're recognizing that there might be agricultural nuisances. The idea being that that itself will avoid conflict because people already know what they're getting themselves into.*

***Most nuisance litigation will be through state statute and there's a state Right to Farm statute. Our local ordinance will not impact what qualifies as agriculture under the state statute or what constitutes a nuisance under state law. So, this will be for our disclosure purposes as well as what constitutes a nuisance under just our local ordinance."***

**3. Email from Wesley Stokes, California Department of Fish and Wildlife, to Crystal Acker and Marina Herrera (May 3, 2024).**

Mr. Stokes informs Permit Sonoma that ***"The county's ministerial ordinance does not require every grow site to undergo environmental review. But the state's discretionary process does, which means the two sets of regulations do not match."***

**DCC indicates it will take over any from the County, any application that doesn't have an adequate review (i.e.: ministerial applications) and DCC acts as the lead agency:**

Email from Caitlin Hengeveld, DCC, to Crystal Acker, Marina Herrera, and McCall Miller (February 23, 2024) forwarding the project description memorandum and questionnaire that DCC provides to applicants when the DCC acts as lead agency for environmental review.